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EXTRAORDINARY

PART II—Section 2

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as a separate compilation

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## LOK SABHA

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The following Bills were introduced in Lok Sabha on the 28th  
March, 1964:—

BILL No. 22 OF 1964

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment)  
Act, 1964.

5 (2) It shall come into force at once.

2. Article 37 of the Constitution shall be omitted.

Short title  
and com-  
mence-  
ment.

Omission  
of article  
37.

## STATEMENT OF OBJECTS AND REASONS

Part IV of the Constitution deals with Directive Principles of State Policy. Under article 37 of the Constitution the provisions contained in this Part are not enforceable by any court of law with the result that the principles contained in this Part have not been applied thoroughly. In order to follow these principles vigorously and to apply these principles in making laws of the country, omission of article 37 is very necessary.

Hence this Bill.

NEW DELHI,  
*The 31st January, 1964.*

ABDUL GHANI GONI.

## BILL NO. 25 OF 1964

*A Bill further to amend the Payment of Wages Act, 1936.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Payment of Wages (Amendment) Act, 1964. Short title.

4 of 1936. 5 2. Sub-section (6) of section 1 of the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act), shall be omitted. Amendment of section 1.

3. In section 15 of the principal Act,—

(1) after sub-section (2), the following new sub-section shall be inserted, namely,— Amendment of section 15.

10 “(2A) Notwithstanding anything contained in the foregoing provisions of this Act, where the wages of an employed person remain unpaid on the date of termination of his employment, an application may be presented to the authority appointed under sub-section (1) within six months from

the date of such termination of employment for a direction under sub-section (3):

Provided that any such application shall be admitted though it relates to unpaid wages for an earlier wage period than within six months before the date of such termination of employment." 5

(2) after sub-section (3), the following new sub-section shall be inserted, namely,

"(3A) If the authority hearing any application under sub-section (1) is satisfied that the applicant has incurred expenses in travelling or otherwise for presenting such application or during the hearing of such application, the authority shall direct the employer to pay such costs, as may be calculated and found fit by the authority, to the successful applicant." 10 15

Insertion of  
new section  
15 A.

4. After section 15 of the principal Act, the following new section shall be inserted, namely,—

Liability for  
payment of  
court fees.

"15A. (1) In any proceedings under section 15, the applicant shall not be liable to pay any court fees (other than fees payable for service of process) in respect of such proceedings: 20

Provided that when the application is presented by an Inspector he shall not be liable to pay the process fees also.

(2) Where the applicant succeeds in such proceedings, the authority hearing the application shall calculate the amount of court fees which would have been payable by the applicant but for sub-section (1) and direct the employer or other person responsible for the payment of wages under section 3 to pay such amount to the State Government. Such amount shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue." 25 30

## STATEMENT OF OBJECTS AND REASONS

The Payment of Wages Act, 1936 applies to wages at an average of four hundred rupees a month or more. This wage limit of "four hundred rupees" was fixed in 1957. The pattern of the earnings of persons employed in industry has since undergone considerable changes and, therefore, this Act should now apply to wages of all amounts.

It is very often noticed that an employed person, while continuing in employment is not in a position to present an application under sub-section (2) of section 15 for various reasons. Therefore, the period of limitation laid down in this sub-section should run against the employee only from the date of the termination of his employment.

The Payment of Wages Act contains no provision for payment of costs to the applicant while the applicant has to incur a lot of expenses including pleader's fees, travelling expenses, etc. before his claim is admitted. Therefore, costs should be awarded to the applicant.

~~Clause 4 of the Bill~~ has been drafted on the lines of section 5 of the Payment of Wages (Bombay Amendment) Act, 1953 with a view to having uniformity in all the States.

NEW DELHI;

P. R. CHAKRAVERTI.

The 23rd February, 1964.

M. N. KAUL,  
Secretary.

